

Filming

in Everglades and Dry Tortugas National Parks

INTRODUCTION

The vast, unspoiled panorama of Everglades National Park and the pristine marine environment of Dry Tortugas National Park (with historic Fort Jefferson) offer photographers and filmmakers unique opportunities for capturing the natural world on film. However, the Congressional acts establishing these parks places a two-fold responsibility upon the National Park Service to protect the natural and cultural resources and to provide for the visitors' enjoyment of them. While commercial filming operations certainly are permitted, there are restraints imposed upon these activities.

FILMING/PHOTOGRAPHY PERMITS:

Permits are required for commercial filming. Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project. Under P.L. 106-206 all commercial filming requires a permit and is subject to a location fee and cost recovery.

Filming activities are coordinated through the Chief Ranger's Office at Everglades National Park, 40001 State Road 9336, Homestead, Florida 33034-6733 (telephone 305-242-7732 or 305-242-7730). To minimize delays, applications for filming permits should be submitted at least two weeks in advance. Applications may be faxed to (305) 242-7716.

Filming activities which require any of the following: production crews, broadcast equipment (cameras, audio, lighting, etc.), actors, sets, props, vehicles, boats, or aircraft are subject to a number of restrictions which may make it difficult, or even impossible, to achieve the producer's desired effects. Prior approval from the Superintendent, in the form of a film permit, is required before any work can commence. All filming activities will be in compliance with the general regulations for Everglades National Park and Dry Tortugas National Park.

The primary considerations in evaluating a permit application are:

- Is there the likelihood that resource damage would occur that cannot be mitigated or restored under the terms and conditions of a permit?
- Is there the likelihood of unreasonable disruption of or conflict with the public's use and enjoyment of the site?
- Is there the likelihood that the activity poses health or safety risks to the public?

- Is there the likelihood that the activity would result in the impairment of park resources or values?
- Will the requested activity violate any other applicable Federal, State, or local law or regulation?

STILL PHOTOGRAPHY

Permits are generally not required for still photography unless:

- the activity takes place at location(s) where or when members of the public are generally not allowed; or
- the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
- The park would incur additional administrative costs to monitor the activity;

If none of these conditions exist, a permit is not required.

News photographers and television crews are exempt from film applications (unless sets and props are used) as long as they are filming news events. News coverage does not require a permit, for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and protect natural and cultural resources.

COSTS AND FEES

All commercial filming permits and still photography permits are statutorily subject to cost recovery (16 U.S.C.3a) and a location fee, (16 U.S.C. 460l-6d) **neither of which may be waived.**

1. **Application Fee:** There is a \$350.00 non-refundable application fee that must be submitted with the "Application for Photography/Filming Permit."
2. **Location Fee:** The location fee is determined by the type of activity (commercial filming versus still photography), must be based on the current schedule, and is determined by the number of permitted days and the number of people on park lands associated with the permitted activity. There is no deviation from the schedule. A day is defined as a continuous 24- hour period.

Location fees (effective May 15, 2006) are:

| Motion Pictures/Videos | | Commercial Still Photography | |
|-----------------------------------|-----------|------------------------------|-----------|
| 1 - 2 people (camera/tripod only) | \$0/day | | |
| 1 - 10 people | \$150/day | 1 - 10 people | \$50/day |
| 11 - 30 people | \$250/day | 11 - 30 people | \$150/day |
| 31 - 49 people | \$500/day | Over 30 people | \$250/day |
| Over 50 people | \$750/day | | |

3. **Supervision and Monitoring:** For more complex permit operations, or for activities which require coordination with other visitor uses, and for those which are perceived to have the potential to impact park resources without proper supervision and care, at least one employee of the NPS will be assigned to the film/photography crew. Before initiating any location set-ups or dispersal of equipment, this employee must be on site. Failure to comply with this requirement could result in the revocation of the permit. The permittee will be responsible for reimbursing the park for NPS monitoring and supervision. These costs will be included in the estimate of site use charges. Any additional costs will be recovered at the conclusion of the permit.
4. **Liability Insurance and Bonding:** General liability insurance is usually required in order to protect the U.S. Government from claims or litigation connected with injury or damage resulting from the actions of the permittee or his/her agents or employees. It is also necessary in order to avoid undue tort liability to the Government and to assure that permittees are not judgment-proof if a visitor is injured through the negligence of film company representatives.

General liability insurance must be carried by the permittee showing the **U.S. Government, National Park Service, Everglades National Park and/or Dry Tortugas National Park**, as "ADDITIONALLY INSURED." The park names and address should be used as the local contact. Short-term policies must show coverage on "occurrence" basis. **The minimum amount of commercial liability insurance is one million dollars.** Additional amounts may be required for high-risk activities. Certificates naming the U.S. Government as "certificate holder" only, are not acceptable. The certificate of insurance must be provided to the Public Affairs Office prior to permit issuance.

Certain activities may trigger the need for the permittee to post a refundable bond. The purpose of the bond is to assure that the permittee leaves the area in its original condition. The amount of the bond will be equivalent to the estimated cost to NPS for clean up, repair or rehabilitation of resources or facilities that could potentially be impacted by the permit activities. At the conclusion of the permit, the bond will be returned to the permittee after costs of clean up, repair or rehabilitation are deducted. Estimated costs for monitoring and supervision costs may also be included in the bond.

USE OF ANIMALS AND PLANTS:

1. Wildlife and vegetation must be filmed or photographed in their natural state. Captured wildlife may not be used in any filming, whether trained or not. Domesticated wild animals are included in this restriction.
2. Disturbing, molesting, or manipulating wildlife is prohibited.

3. Plants and animals, including their habitat, officially identified as endangered or threatened are subject to special restrictions. Any filming or photographic endeavor involving these species must be carefully outlined on a **Request for Permission to Film Threatened or Endangered Species** form. Requests to film or photograph endangered species should be submitted at least two weeks prior to the proposed activity to allow sufficient time for review and approval by park rangers, park scientists, and the Superintendent.

4. The use of domestic animals or plants is strongly discouraged due to the possibility of introduction of exotic parasites, disease, and pests to the park environment

AIRCRAFT USE

Aircraft (fixed-wing or helicopter) used for aerial photography must maintain a minimum altitude of 500 feet, may not land within the park, and are not allowed over identified rookeries.

VEHICLES AND BOATS

Motorized vehicles are restricted to developed roadways. The use of swamp buggies, all-terrain vehicles, or airboats is prohibited, except that airboats may be used in portions of the northeast portion of the park known as East Everglades Addition where airboat activity is allowed. Motorboats may only be operated in areas open to the general public and not restricted under the Parks' wilderness designation.

CLOSED AREAS

Permit activities may be restricted based on weather or seasonal conditions (fire danger, standing water after rain, nesting season, etc.). In the event park roads, trails and waters are closed, permittee will not be allowed access.

Some areas of Everglades and Dry Tortugas National Parks are closed to public access, on a seasonal or year-round basis, to protect sensitive wildlife habitat or fragile cultural resources. Requests for permission to enter closed areas require justification that these activities can ONLY or BEST be done in the park, and will have no significant adverse impact upon the species involved. The request must include details of the purpose, methods, schedules, evaluation of potential impact, and other information as needed. These restrictions apply to the following areas:

Everglades National Park

- 1) All keys and beaches in Florida Bay are closed to access except for those marked by signs denoting the area open. The crocodile sanctuary of northeast Florida Bay is closed to all access year-round. Nesting sites used by colonial birds and

crocodiles (outside the sanctuary) will be closed temporarily, seasonally, or continuously.

Dry Tortugas National Park

- 1) Bush Key is closed to all access during the nesting period, March to September.
- 2) East, Middle, Hospital, Long, Bush, and Loggerhead Keys are closed year-round due to nesting turtle activity.

Additional closures, use limits, and/or restricted activities are listed in the Superintendent's Compendium.

TERMINATION OF PERMIT

All filming or photography permits issued by the NPS are "revocable" on 24 hours notice or WITHOUT NOTICE if the terms of the permit are violated. Deliberate infractions of the terms of the filming permit or the deliberate making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate termination of the permit and cause for possible prosecution. Permits will be revoked if damage to resources or facilities is threatened, or if there is a clear danger to public health or safety.